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International Court of Justice

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Biolsi
1400 to 1530
1 July 1946
Richard Mueller

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:

MARTIN-HARVARD

THE POLITICAL LEADERS

(The Commission convened at 1400 hours.)

RICHARD MUELLER, a witness, took the stand and testified as follows:

THE COMMISSIONER:

Q What is your name?

A Dr. Richard Mueller.

Q Raise your right hand and repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

BY GURBE, FOR DR. SERVATIUS, FOR THE POLITICAL LEADERS.

This morning it was decided that affidavits might be used but that in each case Colonel Neave would like to discuss this matter with the prosecution. The witness has made a very important affidavit in connection with Point I

H1006 - 0002

H1006 – 0003

of the paper you have before you. Since it has not yet been decided definitely in which form and manner the affidavits may be submitted, and accepted, I would like to request that we leave out Point I right now, until there shall have been an opportunity to decide on the matter of the affidavits.

THE COMMISSIONER:

It would be preferable to read that paper first in order for the prosecution to be able to decide on it.

BR MR. GURBE:

The witness shall be heard on the following matters:

1. In accordance with the Nazi terminology or political order.
2. The organization Arnstrtraegerand personnel composition of the different offices of the party administration.
3. The political leaders of the Party administration were never part of the conspiracy charged by the indictment, nor did they have any share in the crimes committed, nor did they have any knowledge of them.

THE COMMISSIONER:

Does the prosecution see any objections to the proposition of the lawyer to leave Point I for the time being?

THE PROSECUTION:

No objection.

H1006 - 0004

BY MR GURBE:

Q Where were you born, witness?

A July 16, 1904 in Munich.

Q What educational and professional training have you had?

A I attended grade and high schools, and beginning 1924 I began studying law at the University of Munich.

Q When did you join the Nazi Party?

A July 1, 1930.

Q Why did you join it?

A It was my conviction that after the failure of parliamentarism in Germany, and in the enmity of people in the 27 parties of the Reich, that after that situation had been created that only one strong party with one strong leader would be able to prevent the utter collapse of Germany.

Q Since when have you been active in the Center of Administration in the Nazi Party?

A Since January 1, 1938. I may add that from 1938 to 1940 I had been loaned by the Bavarian State Administration since I had been counsel for the government of the Bavarian State within the police administration at Munich. I was loaned from 1938 to this date to the Treasury of the Nazi Party. Only after 1940 was I transferred from the State service to the service of the Party.

H1006 - 0005

Q What functions did you perform within the administration of the Party, and what ranks have you been holding?

A I was in charge of all principal personnel matters as far as they had any bearing on fiscal or financial affairs. Particularly, in regard to pensions and salary system of the Party.

Q Is it true that on the basis of the positions you were holding you learned of all orders and directives issued by the Fuehrer, his deputy and later on by the Chancery of the Fuehrer?

A Yes, sir.

STATEMENT BY MR GURBE:

I asked the witness to prepare a few charts on the office of the Treasury, the so-called Center of Administration of the Party. The witness was called unexpectedly here, and I would like to ask him whether he was able to finish those charts.

A Unfortunately I was unable to complete them before coming here.

Q Then describe to us the structure of the Central Administration Office of the Party. For this purpose I may use the organizations book of the Party and ask that it be submitted as PS-1893.

A I may say that the chart contained in the Reich Organizations book, particularly in regard to the office of

H1006 - 0006

the Treasury, are not in accordance with facts.

Q Which were the main offices within theReichsleiter, which is the highest level of the office of the Reich Treasury?

A To make things a little plainer I would like to make a few principal remarks in regard to the structure of the Nazi Party. The organization called Party Administration was an organization of its own, an organization within the organization of the Party, and its competence included not only the party but also its associate and affiliated organizations. As a consequence of that fact the Treasury of the Party was the chief, not only of the Treasury of the Gau on the level of the Party,but he was also the chief of the administration offices of the affiliated so-called militant organizations, and byexpression "militant" organizations we meant the SA, the general SS, the NSKK, and the HJ. Also he was the chief of the financial administrative offices of the so-called non-militant organizations which were the NSWomen Leadership, the NS Dozentenbund (student organization). Furthermore, the Treasurer of the NSDAP was in charge of the financial administration of a number of the associated organizations and, in some cases, particularly within the last years, he had financial control over them. That was the case, for instance, in the case of the NSV, a national socialist welfare organization.

H1006 - 0007

Q What were the offices of the Treasurer within the Party corporal, in theKreis Gau and level of the NSDAP.

A The titles of the individuals who were subordinate to him on different levels were: On the Gau level, the Gauschatzmeister; on the Kreis and Gaus level they were called Kassenleiter.

Q What was the professional background of the individuals holding office within the office of the Treasurer of the NSDAP.

A In most cases it may be said that almost all officials within the office of the Treasurer of the NSDAP or in his subordinate office were professionally trained people who came from industry or civil service of the State, or they came from the professions - as for instance, lawyers, etc.

Q What professional qualifications did the people have to have who were called to serve within that office?

A First of all they had to have a perfect character; and not too much attention was paid to the length of membership within the Nazi Party -- as far as the office of the Treasury was concerned. Secondly, it was absolutely essential that the people were professionally trained and qualified to hold their positions.

Q Will you please answer as quickly as possible so that we can keep our time limits. Did it ever happen that

H1006 - 0008

people who were not members of the Party were called to fill offices within the Treasury?

A I recall that at least in several positions people were serving who were not party members.

Q Were women called to serve for the Treasury?

A In a few single cases, yes.

Q What was the functional task of the people who served in the Treasury?

A They were purely and merely administrative in their nature.

Q Give us a few examples.

A I may refer very briefly to the organizational structure of the Treasury within the Reichsleitung, that is, the main office of the Party. There was for instance the office concerned with financial affairs where we employed only people with experience in the banking profession and bookkeepers because that office was concerned only with physical affairs. The second office within our Treasury was the surgeon's office, which was held by a trained physician. Office number three was the personnel office, to which I myself was attached. It was mainly concerned with questions of salaries and pensions. It also concluded the contracts of the main employees of the Central Office and in some cases also of subordinate offices. Office number four was the

H1006 - 0009

administrative office, and within that office the main office was the economic office, or the so-called office charged with the carrying out of the Four Year Plan within the Party and the supreme office of buildings and structures. Office number five was the legal office of the Treasurer. Incorporated in that office was the membership office with a central membership file and the office of admissions. Office number six was the controller's office in charge of financial inspection, etc., and that was the most essential office of all within the Party Treasury.

I still should mention the office in charge of insurances, and the one in charge of welfare and equipment, and a few other offices which were still attached to the Treasury.

Q And who was in charge of hiring employees in the Treasury?

A Exclusively the Reich Treasurer himself.

Q By being called to work there the people became so-called "office holder". Is that correct?

A It would be better to say they were fully employed professional employees of the Treasury because the term "Amtstraeger" was not used officially before 1944, a date when the Treasurer issued a new regulation concerning the relations of his employees to his office. Since 1944 we did distinguish between so-called "office holders" and mere

H1006-0010

employees, but that distinction was purely an administrative measure.

Q Were there also honorary unpaid workers within the Treasury offices on the level of the Reich?

A All treasurers of the local groups were paid workers. A few of the Kreis treasurers were unpaid honorary workers while the nature of the work on Gau and Reich level made it necessary to employ there only fully employed professional paid workers.

Q How large a percentage of the people employed by the Treasury on different levels -- how large a percentage/approximately were serving in an honorary unpaid capacity?

A That is very difficult to estimate.

Q Was there any misrelationship between the salaries paid to the professional workers in the Treasury compared with workers employed by State offices?

A Yes, until 1941/42 such a misrelationship did exist; that means that the office holders of the Party were under paid in comparison with State offices. Only after 1941/42 did remarkable improvement take place.

THE COMMISSIONER:

You are getting into details, and I would like to know if it is really useful from this witness - such explanations.

H1006 - 0011

MR. GURBE:

I consider these matters important, particularly those referring to salaries and so on, because the prosecution has charged that the political leaders, and apparently those people are included by the prosecution into the category of political leaders, the prosecution charges that they enjoyed certain privileges and advantages. There is only one question left on that subject.

Q Did the people who were employed within the office staff of the Reich Treasury -- did they enjoy any other special privileges?

A No.

Q Is it true that some of the people working in the administrative offices of the Treasury, that they were given the rank of political leaders?

A Yes.

Q Did the fact that they were given the rank of a political leader -- did that change their function and tasks as political leaders? Did the man who had been given the rank of political leader fulfill a function different from that of his colleagues who worked merely on the basis of a contract without rank?

A No, not at all.

Q Why were some of the people filling functions in the administrative part of the Treasury -- why were they given ranks of political leaders?

H1006 - 0012

A Because it was the point of view of the leadership of the organization of the NSDAP that all employees holding office should become a political leader sooner or later. And I would like to add that their political activity was not the basis for such rank. And it was equally unnecessary that these individuals were holding high and leading positions.

BY MR GURBE:

And now in conjunction with this last reply we will come to a complex of questions which the witness discussed in the affidavit before mentioned. I therefore refrained for the time being from asking questions on this subject, but reserved my right to ask them later if the affidavit would not be accepted as such.

Q Is it true that from the very beginning, since the inception of the Party, a sharp distinction was drawn between the political leadership of the Party on the one hand, and the administrative body as represented by the Treasury of the Party?

A Yes, sir.

Q Do you know that such a distinction was brought about by the constitution of the Nationalist Socialist Workers Association registered as of 1926?

A Yes, sir.

Q Do you know that the head of the political leadership within the Party was the deputy of the leader, and

H1006 - 0013

later the chief of the Party Chancery, Bormann?

A No, that is not at all correct because the position of Bormann was not exactly the same as the one the former deputy of the Fuehrer Mr Hess had been holding.

While Hess actually was the head of all political leaders, Bormann was merely the expert advisor of the Fuehrer; and as such issued certain orders and directives, but he was not the chief of the political leaders to whom they were subordinate as they had been subordinate to Hess.

Q When Hess was deputy of the Fuehrer was he the chief of the so-called Reichleiter?

A Yes, with the one exception: that for certain fields the Fuehrer himself had reserved for himself the subordination of certain Reichleiters.

Q Was the Treasurer of the Party, Schwartz, subordinate to the deputy of the Fuehrer?

A No, he was the only Reichleiter not subordinate to deputy of the
the/Fuehrer.

Q Was Schwartz subordinate to Mr. Bormann as successor of Hess?

A No, not at all.

Q What result did that state of affairs have - what was the relationship of Schwartz to Hess, respectively, to Bormann?

A It resulted in the fact that the political leadership had no political influence whatsoever on the administration of the Party, and on the other hand the administration

H1006 - 0014

had no influence over the political leadership.

Q On June 2, 1933 the deputy of the Fuehrer issued an order which will be submitted by us as part of our documents book.

A I know the order.

Q This order says, literally: "The authorities given by the Fuehrer to me, the deputy of the Fuehrer, for the leadership of the Party, do not touch the authorities formerely bestowed on Reichsschatzmeister Schwartz." Was this order ever cancelled?

A No, sir.

Q What was the significance of the law to guarantee the unity of party and state issued December 1, 1933. That law has been submitted as 1395 PS.

A This law stipulated in a legal way that distinction between party leadership and party administration which I just have described.

Q Was that strict separation of political leadership and administration of the Party, I just described - was it maintained until the end of the war?

A Yes, sir.

Q Did that separation of party leadership and party administration have its effects on the personnel and personnel policy of the Party?

H1006 – 0015

A Yes, in the field of personnel policy that separation was particularly obvious - demonstrated by the fact that there were separate personnel offices for political leaders and the administration of the Party. * * * There existed in the field of fiscal administrative policies a special personnel office which was under the Reich Treasury.

Q You stated before that the people working in the Treasury were called to office by the Reich Treasurer. Who hired the people working in the offices of the political leadership?

A Those employees of the political leadership were hired by the so-called Hoheitstraeger on the different levels, and on the highest levels by the Reichleiters of the Party leadership, but that was true only for the political leadership.

Q Did the political leadership have any influence on the personnel policy of the Reich Treasurer and his offices?

A I stated already before that the political leadership had no influence on personnel policies, or any other policies of the Reich Treasurer. But, of course, the Reich Treasurer had to coordinate his policy to that of political leadership.

Q Did it ever happen that the Reich Treasurer hired people against the objection of the political leadership organizations?

A I remember instances in which the Reich Treasurer

H1006 - 0016

appointed somebody as Gau Treasurer, - it happened in the Gau Eastern Prussian - a person who was not one which the Gauleiter had proposed.

Q Did the Reich Treasurer ever remove people from office against the objections of the political leadership?

A I don't know of such instances, and I believe it would have been impossible because the dependence of the Reich Treasurer made it possible for the leadership to object to personnel policies in existence. However, I do recall an instance which actually occurred within my own office, that the Reich Treasurer employed a man who had been called unfit for holding office by the Supreme Court of the Party.

Q Who was a professional in respect to the chief of the people employed by the political leadership.

A They were subordinate to the head of their professional Reich office on the Reich level, and on the Gau level they were subordinate both to their Gau offices and to their Reich offices. They were actually subordinate to two offices, ~~but primarily they were subordinate professionally to the~~ and their subordination to the Reich offices was a more or less theoretical one.

Q And who was professionally the chief of all those employed within the Reich treasury, the administrative body of the Party?

H1006 -0017

A Exclusively to the Reichsschatzmeister, Reich Treasury, his Gau subordinates.

Q And the individuals who had been given the rank of political leaders and who were employed by the Treasury, were they still subordinate to the Reich Treasurer?

A Yes, of course.

Q The different laws and ordinances which I quoted already stipulate that only the Reich Treasurer and his officials are competent to handle fiscal affairs.

Did the political leadership have the right to interfere to issue orders and similar measures in that field?

A No, that was always issued.

Q You mentioned that people working for the Reich Treasurer filled merely administrative functions. Did they have the right to work politically, to issue political orders on these issues?

A No, the Reich Treasurer had issued an expressive order to them forbidding such political activity.

Q Did that order prohibit political activity covering even those individuals who had been given the rank of political leader?

A Yes, sir.

Q Then I ask you, why have those people been appointed to be political leaders at all?

H1006 - 0018

A I stressed already before that it was the position of the Party that sooner or later all people holding office within the Party should become political leaders.

Q I am referring again to the law of the Party which has been introduced before as Document 1395 PS, which distinguishes between political leadership and administration of the Party, clearly. It says on page 24 of the 7th edition: "All political leaders regardless where they are active, whether the political leadership, the administration, the Party courts, or the affiliated or associated organizations and plans, all of them wear a uniform service."

Is it true that it had been contemplated to give a special uniform to political leaders in the administration so as to characterize them as not being in charge of political tasks?

A I know that leading members of the head office of the Party organization contemplated in 1938 to give a special rank insignia to indibiduals holding political leadership offices and be employed in the party administration so as to characterize them as not being in charge of any political tasks. I also was told that at that time the Treasurer of the Party Mr. Schwartz opposed such a plan very much, as to prevent the discrimination of the political leaders working for him.

Q Do you know that another reason why he opposed this special uniform was that if his political leaders would

H1006-0019

wear them they would not be able to hold their standing against the other political leaders any longer?

A Yes, I believe that that thought played a decisive role.

Q The distinction between political and administrative offices of the Party didn't find other external expressions - for instance, in the Party buildings and structures in Munich?

A Yes, the fact that there existed a fuehrerbau - the one structure of the political leadership, and the other administration leadership in Munich, should be a proof.

Q How were the personnel relationship between the Reich Treasury Schwartz and the political leadership of the Party?

A That varied very much. It may be said in regard to the Gauleiter that he retained friendly relations with meny of them. On the other hand he had a very low opinion of another large sector of the Gauleiter. There existed even a few Gauleiters whom he would not even see at all within the last few years. And I know that in regard to a number of other Reichleiters the Reich Treasurer had a point of view which was hostile.

Q I now come to another question, and that is, the question whether the administrative officials of the Nazi Party had a share in the conspiracy of the crimes committed

H1006 - 0020

by the conspirators? Did the administrative officials of the Nazi Party know that points 1, 2 and 3 of the Party program, the one to unite all Germans on the same basis of right of all peoples, the abrogation of the peace treaty of Versailles, and the demand for colonies. Did the administrative officials of the Party know they were part of the conspiracy to domineer the world?

A Those points of the Party program could under no circumstances, particularly not on the basis of the official pronouncement of the Fuehrer, could they be interpreted that way.

Q And how did the pople in the Administration of the Party think that those points would be translated into reality?

A Of course, the Party administration did never have the opportunity to take officially any position on these matters. All I could tell you is my personal opinion and that of a number of leading officials in the Party administration. Myself and my colleagues in the Administration of the Party were convinced that those aims could and should be realized only in a legal and peaceful manner by negotiations.

Q Was the administration of the Party prepared for the war?

A On the basis of my own experience, I know that that was not the case.

H1006 – 0021

Q When did the Party administration make its first war preparations?

A Only the second half of August 1939 when on the basis of news and radio reports it seemed most likely that war would break out, only then the Reich issued orders to make essential preparations in the case that war would be declared. This was the case, for instance, in my personal field of activity where I was compelled, without any preparation and very hastily to draft a salary and pensions regulations for the case of war.

Q Did the Party administration have any share in the financing of the Concentration Camps?

A Not at all because the Concentration Camps were not a concern of the Party.

Q Had the Party administration anything to do with the events of November 1938?

A I can honestly assure you that that was not the case, and I may add that both the Reich Treasurer and his experts and advisers bitterly opposed the happenings of 1938.

Q Do you know of any instance that any conferences of lower Party officials on the Block or ~~Zells or~~ Zellenleiter leval that plans for crimes against the peace, against rules of war, or against humanity, were discussed?

A No, sir.

Q Is it true that Hitler and Bormann repeatedly issued orders prohibiting the discussion of political and war plans

H1006 - 0022

by lower officials of the Party?

A I remember to have read such directives.

Q Is it true that Bormann repeatedly stated that after the Fuehrer he alone was the one to issue political orders and to determine the political line?

A I don't recall it right now, such a statement. But of course a political line was determined only by the Fuehrer or Bormann, his expert advisor.

Q Is it true that not even among the highest Party and State officials was there any unity in regard to the aims and measures of the Party?

A Yes, I could understand that quite easily on the basis of the attitude which the Reich Treasury took in regard to other Reichleiters.

Q Is it true that in regard to one single matter there were issued most conflicting decisions and directives by a variety of parties and offices?

A Yes, that is so.

* * * * *

H1006 - 0023

Q It is true that directives were issued prohibiting the discussions of such controversies among the high party officers?

A I do remember such directives.

COLONEL ORLOV: I do not understand the meaning and purpose of all of these questions. They are entirely useless.

DR. GURBER: May I state in that respect that the indictment charges that all political leaders from the lowest blockleiters up to the Fuehrer were engaged in one conspiracy with the purpose of plans for aggressive war, and I shall attempt to prove that such conspiracy did not exist and was not discussed and even among the highest circles of leadership, and, therefore, there could not have existed any plan of conspiracy. I, therefore, believe that the questions I asked the witness had relevance and importance as to evidence.

M. HAVARD: Such questions as you have put are in my opinion relevant. Do not go into detail as to things which make no sense and have no bearing on what you want to prove precisely. I will ask you in the following questions to limit yourself to your ~~xirmx~~ aim as to what you want to prove to the Commission and the Tribunal. Therefore, I ask you to confine yourself solely to the questions which can prove what you want to ~~prove~~ demonstrate.

X

H1006 - 0024

BY DR. GURBER:

Q I wish to ask two questions in regard to the conspiracy, in regard to the conspiracy whether the Party Chancellory knew of the plans?

A Which plans if I may ask?

Q The plans of conspiracy. The party officers and those immediately superior to you, did they inform you of the points changed by the party:

(A) Plans of the supreme party leadership for the preparation of war and crimes against the customs of war and humanity;

(B) Crimes which were a consequence of the execution of such plans?

A Not at all.

Q It is true that many rumors appeared regarding the treatment of people in the concentration camps and that according to the directive to Rosenberg people should be contacted by the party in such a detailed manner as to convince anybody that these rumors were untrue?

A Frankly speaking I cannot recall such a directive but I can say that we did not hear of any such rumors.

Q I now come to the next point. Did the political leaders in the party administration know of the evidence of the Einsatz Rosenberg?

H1006 - 0025

A Yes, a small part of them did, since we had official connection, not duties, with the Einsatz Rosenberg.

Q What do you know about the duties of the Einsatz Rosenberg?

A In the first place I knew of a special assignment from the Fuehrer to Rosenberg. Rosenberg was to take care of the works of art and/secure art treasures in occupied territory.

Q What was the understanding within the party administration of the term "care for and secure?"

A All I knew so far was that art treasures and cultural possessions were to be confiscated in order that they might be used in the event of a fortunate conclusion of the war, they might be an object of the peace treaty.

Q Were you aware that a part of the secured art treasures were put at the disposal of leading personalities?

A I did not know of it.

Q Was the Einsatz Rosenberg a party formation?

A No, it was not. The Einsatz Rosenberg had nothing to do generally with the police leiters as such. As stated by me before it was a question of a special assignment from the Fuehrer to Rosenberg personally. In order to fulfill his part Rosenberg used the police leaders within his area as authorities, but by the party the Einsatz Rosenberg was drafted only for the duration of the war. To a great extent they were domestic and foreign scientists.

H1006-0026

Q Did the uniform of the Einsatz Rosenberg show that this organization was not an organization of the police leaders of the party?

A Members of the Einsatz Rosenberg did not wear the uniforms of the police leaders but their own uniforms. This I noted when ~~Utikx~~ Utikah visited my office.

Q You just stated that Einsatz Rosenberg did not act on a party order but on a special order to Rosenberg. Further, you stated that the Einsatz Rosenberg had not been a party formation. However, it is known that the Reichsschatz Meister paid the salaries and ~~xpx~~ expenses of the Einsatz Rosenberg. How do you explain this contradiction?

A May I say that it is quite correct that the Reichsschatz Meister did pay the salaries and expenses of the Einsatzgruppe Rosenberg, but the payment was considered advanced/~~bx~~ but the representatives of the Amt I of the Reichsschatz Meister could give information about that. The mere fact of ~~xx~~ the payments being made by the Reichsschatz Meister do not permit the conclusion that they are duties ordered by the party because in several other cases they have indicated by political reasons as final certain tasks which obviously were not party methods. For example, I wish to cite the construction of the --------
Here the Reichsschatz Meister too has taken care of salaries for a part of the assignment. For instance in the case of Volkssturm and that of the Hitler Youth, it was partly

H1006 - 0027

personnel
the central/~~xxxxxxxx~~ office, of which I was a member, which was very much interested in such finances, because it guaranteed a unified procedure in regard to the people who were committing themselves. This was partly true in the case of assignments in the occupied territories, since the different methods of procedure of the Reich industry and of the party also were quite different from each other.

Q Am I right in summarizing this statement as follows: It is true that the Reichsschatz Meister and consequently the party has financed the Einsatz Rosenberg in regard to personal health and salary and expenses. However, this is no proof that Einsatz Rosenberg ever functioned as a party organization or it even fulfilled a party assignment. The financing by the Reichsschatz Meister was merely a financial technical procedure which took place because it enabled them to take care of finances faster, and am I accurately stating that as a correct summary of your statement?

A That is what I want to express. I want to add that there may be other reasons also for the final action. I may not know all of these things but it is possible that Amt I of the Reichsschatz Meister is ~~xxxxxx~~ familiar with it?

DR. GURBER: No further questions.

H1006-0028

CROSS EXAMINATION

BY COLONEL JONES:

Q You knew of the Nazi policy, did you not, to persecute the Jews?

A I should like to say here that it might not be correct to say I was familiar with the race problem in general.

Q And the action taken to find the solution or whatever you want to call it of the race problem, anyway of the action taken against the Jews?

A May I ask what specific action you mean?

Q You knew of the boycott of 1933. I just want to ask you if you knew of it and that is all I want to say?

A Yes, it is true.

Q Did you consider that persecution? Answer "yes" or "no."

A Yes. I wish to call your attention to the fact that I am merely voicing my personal conception of this matter, because my duties did not bring me into it.

Q Did most of the people think it was a form of persecution against the Jews?

A In any case the prevailing opinion was and I myself have agreed to this opinion, that the political and economic influence of the Jews, and before 1933, was in a very bad ratio in actual relation of the Jews in the

H1006 - 0029

German nation.

Q I am not interested in your views on the Jewish problem. I am asking you whether you thought that the boycott of 1933 was a form of persecution?

A I have no personal views on the point because in 1933 I lived in a village of 2000 people where there wasn't a single Jew.

Q Let me ask you this question: Did you approve of the principle of that action of 1933.

DR. GURBER: May I add something here. The witness' affidavit has proven that the party administration had nothing to do with politics. If the witness is heard on this point he can explain only merely his personal opinion. He cannot be held responsible for the opinion within the party. I do not believe this question is proper the way it is framed, since in other cases questions by the defense regarding such methods were cut off with the remark: "This is merely a personal opinion", not typical for the group or by the group concerned.

BY COLONEL JONES:

Q If you will answer the questions I will pass from that. Do you know of the demonstrations of 1938?

A Yes, of course, but I was in Munich.

H1006 - 0030

Q Do you think that was a persecution?

A That thought was rejected by a majority of the party.

Q Do you know of the arranization of the Jewish businesses?

A Yes, I know of this.

Q Was that also rejected by the majority of the people as being a form of persecution?

A I cannot say what the general ideas were on the subject. As far as the party administration is concerned I can say that the Reichsschatz Meister has rejected it essentially.

Q I think that is sufficient on that. Do you know of the system of foreign laborers working in the Reich?

A As far as we personally came in touch with them, of course, we knew of foreign laborers.

Q You knew of the system of the concentration camps?

A Of course, I knew that there were concentration camps.

Q I am not asking you that -

A I want to outline the fact that camps like Auschwitz ----

Q Please understand, I know you are like most of the other witnesses we have heard who are completely

H1006 - 0031

interested in clearing themselves of any knowledge of war crimes. We are not in the least interested in the crimes you xx yourself may or may not have committed. I would, therefore, ask you to answer my questions properly and particularly the questions I put to you, and now you may answer the question: Now those matters I have mentioned to you, and I refer particularly to these: the persecution of the Jews; tthe employment of slave and foreign labor and the system of concentration camps, they were set up by the Nazi government, were they not?

A The concentration camps have not been introduced by the party. I would like to say this: If the party would have had anything to do with the concentration camps, one would have noticed the effects on the party administration somehow.

Q I asked you whether all of those matters were carried out and maintained by the Nazi government? Will you please answer my question?

A I have answered before that I can only talk as a private person because the party administration by way of duty had nothing to do with all of this.

Q Now I will ask you to answer my question, having made that little speech? Was the xyxkxx persecution of the Jews and the system of the concentration camps and the system of foreign labor conducted and maintained by the Nazi government? It is an easy enough question to

H1006 - 0032

answer.

A I cannot give a positive answer to that, because from the directives that were issued by the party -

Q I take it you are refusing to answer my question "yes" or "no."

A No, I did not refuse that at all.

Q Will you please do so?

A To what question?

Q I have asked you the question three times. Were the Nazi Government responsible for the persecution of the Jews; the system of concentration camps and foreign labor employment in the Reich, three matters only.

(DR. GURBER RISES TO MAKE AN OBJECTION)

I anticipated this objection and I object to it. With great respect cross examination is impossible if the defense counsel every time their witness finds himself apparently in a difficult situation, gets up to relieve the situation. With respect many questions are perfectly proper and I want to be allowed to continue my cross examination without perpetual interruptions. Defense counsel has dealt at very great length in everything he wished to deal with and without a single objection on my part, although a great deal of the matter with which he dealt was irrelevant, and I object to this continual interruption.

H1006 - 0033

DR. GURBER: May I say something here?

M. HAVARD: I think that the questions were perfectly relevant and I ask that you limit your objections when it is necessary, as we have made several concessions and counsel must not help the witness to answer.

DR. GURBER: Mr. Commissioner, that is not my intention and why I am objecting, and the reason for my objection certainly is not that I feel that the witness may give testimony which I do not care for, but I find it necessary to object for the following reasons:

It is true that I have touched upon these points before, but if you will compare the record you will find that every one of the questions pertaining to the persecution of the Jews and concentration camps, etc., referred to the extent of the activities and it's relation to the party. The questions now put by the Prosecutor refer purely to the personal opinion of the witness, and not the reaction of the party administration. That is why I regret I will have to keep up my objection.

M. HAVARD: The witness can have a personal opinion, and he can also state if he knew what happened within the party. The question is, therefore, relevant.

DR. GURBER: The witness has expressed the thought that he did not know whether the party had an opinion on the persecution of the Jews, and how the party administration knew of the events in the concentration camps, and I have

H1006 - 0034

repeatedly found in this procedure before the Commission that personal opinions never are relevant as to the organization.

BY COLONEL JONES:

Q Now will you answer my question. I will repeat it to you again for the last time.

A Of course, I am of the opinion that the government is responsible for such methods.

Q Now the Nazi government never could have existed without the corps of political leaders?

A I cannot say either "yes" or "no" to that.

Q The administration and Government of the country could not have existed, could it, without the gauleiter organizations and the kreisleiter organizations and all such organizations?

A It might have been ~~xxx~~ possible in theory.

Q I am not talking about theory, I am talking about practice. In practice, the government of the country, the administration of the country, the administration of the country under the Nazi government depended upon the work of their gauleiters, kreisleiters and ortsgruppenleiters, and so on?

A May I ask when you say "government", do you mean the party or the state?

Q No, I mean the Nazi government of the State. The Nazi government in Germany depended upon or the administration and organization of the state, the Nazi government

H1006 – 0035

of Germany depended upon the organizations of the gaus, kreis and orts?

A I cannot say how far this goes on the basis of my activities in the party.

Q Without financial advisers the gaus administration could never have been carried out?

A The activity of the gauleiters would have been impossible if the party would not have financed the activities.

Q The whole system of Nazi government would have been impossible without the financial advisers to carry on the financial business of the organization?

A The state government would have been impossible also without party administration.

Q And you as a financial adviser to the gauleiters were performing an essential part in that organization?

A As far as the personnel sector is concerned.

Q You were performing a vital part, were you not, in the system that maintained concentration camps, slave labor and which for years persecuted the Jews, you and the other financial leaders?

A We of the finance could hardly have been made responsible for something of which we knew nothing.

Q But you knew those things were going on, you knew that the Jews were being persecuted?

A I want to say definitely and decisively I knew nothing of all of this.

H1006 - 0036

Q But you told me you knew the Jews were being persecuted?

A I knew it. It was obvious. Any one knew that anti-Jewish rabbles were taking place.

Q And you knew that slave labor was being employed in the millions and so did every other financial adviser and every other gau in Germany?

A Of course, we knew that foreign laborers were employed in Germany, but I say that the party administration had nothing to do with it.

Q But the Nazi government relied upon the party, did it not, and without the party the Nazi government would never have come into power and stayed in power?

A I personally do not know. I can only assume in how far the party supported the Nazy government. Of course, I knew that the party had it's influence upon the state. I knew of that through my connection with the party chancellory.

Q Don't you consider now that the financial leaders in the gaus and Kreis in Germany were playing an essential part in support of that system?

A I must say no, because the orders of the Reichs-schatz Meister have become competent authorities for the administration and had nothing to do with these gaus, but I know on the basis of my relations what the party organization aims were. Department No. 3 had the so-

H1006 - 0037

called state character, and it was known that this department had it's influence on the state government. This activity, however, had no influence on the party administration itself, because there was no question of financial tasks for party members.

Q Have you finished?

A Yes.

Q In the aryanization of Jewish property were the gaus or financial advisers taking no part in the organization?

A No

Q What department was it then that carried out the financial transactions?

A As far as I know from Muncih there were very special people here assigned to that. For example, I know about Munich that this task was that Dr. Wagner had assigned that task to a man by the name of Tzicvas.

Q But are you telling us that the aryanization of Jewish property in each gau in Germany was being carried out without any assistance or advice of the gau or financial adviser?

A I can say in answer I do know that the Reichsschatz Meister did not carry this out.

Q Who was the person who put through the financial transactions?

A As I said before I can only discuss the gau in Munich which I know personally, and as I stated before

H1006 – 0038

Mr. Wagner opened a special office. He was competent in these matters, for example, this man Yzicvas whom I just mentioned was not a party employee but he was employed by the State.

Q Was a complete special office set up in each gau to carry out this aryanization?

A I do not know. All I know is that in some gaus there was a so-called Still Halte Kommisar, a commissar for keeping the status quo. I do not know how far they have to do with the Reichsschatz Meister and aside from that I do know about such offices.

Q Now I have a letter here which is written by a certain department, and I will get the Interpreter to read it so that you will understand it.

(The letter is read to the witness in German and not translated)

Now, is that one of the so-called political leaders or his office?

A It belonged to the Einsatzgruppe SA and it was not a party formation.

Q That was not a department in the gau?

A I don't know what this is all about, and all I can say is that the Reichfoodestate was an an independent operation by public law, and the Reichsbauernschaft were subordinate

H1006 - 0039

to it, and the Reichsschatz Meister was a department of the gauleiter or department which had a representative on the gauleiter. I wish to state here we had nothing to to xxxxxxxxxxxxxxx do with xx this whole thing because the Reichsschatz Meister and those attached offices were not a division of the party and we did not have anything to do with these offices, and I wish to state here the staffs of the gau and the kreis had attached to them sometimes members of the gau political party, and for this reason you will find that the organization book shows it on a level with the gau, and the gau is a political or state rule of the population as it was called.

DR. GURBER: May I say something which will shorten matters? I am on the basis of my own profession acquainted with the situation in the Einsatz State offices.

COLONEL JONES: I am going to be rather short in the matter and if I could be allowed to continue without interruption I am sure we will get through very much quicker. I am very much surprised at you.

DR. GURBER: HAS that document been introduced?

COLONEL JONES: Please let me go on. I will not introduce the document if it is not proper to do so. xxxxxxxxxxxxxxx My only point in asking the witness this xxxxxxxxxxxxxx

H1006 - 0040

this department in any way. If you will just let me do so I think we will get along all right.

BY COLONEL JONES:

Q Now as I have indicated I have a letter which comes from the financial group or the Reichsschatz Meister and it is addressed to all Kreis -

A This is a proof to me it was not from the party office and consequently we did not have any knowledge of it.

Q And did the Kreis financial adviser have no knowledge of the letter addressed to all Kries?

A No, it could not have, because the party administration did not have anything to do with non party offices.

XXXX I think I have no further questions.

REDIRECT EXAMINATION

BY DR. GURBER:

Q I only have a few questions. The Prosecutor has asked the witness in how far he has participated and what he knew of the Jewish persecution, is it correct that you participated at the comrade affair in Munich on November 9th, 1938?

A Yes, and may I say here, on the night of November 8th, 1938, I visited in company with my wife the comradeship affair in which participated Hoess and Commissar Gerling?

Q Witness, you have been asked a question to which you have answered. I don't think I desire any

Com B
Take 4, page 18
Cook
1530 - 1700
1 July 1946
Mueller

H1006 - 0041

further details. Did you have the impression that Reichsschatz Meister Schwartz and his staff approved of the events of November 9th?

A I had the impression that the Reichsschatz Meister, as well as his principal assistants within the department, rejected such action.

Q The prosecutor maintained before that the ~~Einsazt~~ Einsatz financial officers were selected or did put into effect the aryanization policies, and you have stated before that these offices had nothing ~~xx~~ to do with the Aryanization. I just want to ask you the following questions which already is in evidence, the affidavit in regard to on question. It might be possible that you knew of more such cases on the basis of your position and that a certain Dr. Gerling in an affidavit stated on the 4th of April, which affidavit we have submitted, states:

"The Einsazt Meister has transferred funds to emigrate Jews whose real estate within the Reich ~~xxx~~ had been Aryanized by way of neutral ~~lands in order~~ lands. In order to ~~carry out the following~~ follow and carry out the ~~letter~~ letter of the aryanization law, Berling ~~Gerling~~ mentions a Jewish business man ~~for~~ from Seeligmann, Unterkochen from Hanover. This Einsatz Meister sent that man the difference of 2,000 marks, which was the difference between the aryanization amount and the legal amount coming to him. The Einsatz Meister, as well as Dr. Berling ~~Gerling~~ who was on the staff of the Einsatz

Check

40

H1006 - 0042

Meister, meant to see that the letter of the law was kept ~~xxx~~ and no injustice ~~xxxxxxxxxx~~ should be committed."

I want to ask you if you knew of any such case since the matter has been brought up here?

A Since I had no official connection with these matters I cannot give you any example, just as the example stated here is unknown to me. I can only say that such conditions as I have just heard corresponds completely with the opinion and the attitude of the Einsatz Master.

Q One final question: As you stated before that the party administration was composed mostly of full time employees, the Prosecutor has stated that the Nazi government would not have existed without these people. I ask you would it have been possible to have an organization run on an honorary basis?

A The tasks were so large that it would have been impossible to have honorary employees take care of them. We needed full time employes.

DR. GURBER: No further questions.

(The commission adjourned until 1000 hours 2 July 1946)

Com B
Take 4, page 20
Cook
1530 - 1700
1 July 1946
Mueller

H1006 – 0043

The foregoing is a true and correct transcript of the testimony of RICHARD MUELLER taken on 1 July, 1946.

Genevive Biolsi

Genevive Biolsi
Reporter (p 1 – 21)

Robert W Cook
Reporter (p 22 – 41)

Reporter (p)

CERTIFIED TO

Commissioner

Commissioner

H1006 – 0044

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:

Martin Havard

THE POLITICAL LEADERS

(The Commission convened at 1400 hours)

RICHARD MUELLER, a witness, took the stand and testified as follows:

THE COMMISSIONER:

Q. What is your name?

A. Dr. Richard Mueller.

Q. Raise you right hand and repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

BY GURBE, FOR DR. SERVATIUS, FOR THE POLITICAL LEADERS.

This morning it was decided that affidavits might be used but that in each case Colonel Neave would like to discuss this matter with the prosecution. The witness has madea very important affidavit in connection with Point I of the paper you have before you. Since it has not yet been decided definitely in which form and manner the affidavits may be submitted, and accepted, I would like to request that we leave out Point I right now, until there shall have been an opportunity to decide on the matter of the affidavit.

THE COMMISSIONER:

It would be preferable to read that paper first in order for the prosecution to be able to decide on it.

BY MR. GURBE:

The witness shall be heard on the following matters:

1. In accordance with the Nazi terminology or political order.

2. The organization Arnstrtraeterand personnel composition of the different offices of the party administration.

H1006 – 0045

3. The political leaders of the Party administration were never part of the conspiracy charged by the indictment, nor did they have any share in t crimes committed, nor did they have any knowledge of them.

THE COMMISSIONER:

Does the prosecution see any objections to the proposition of the lawyc to leave Point I for the time being?

THE PROSECUTION:

No objection.

BY MR. GURBE:

Q. Where were you born, witness?

A. July 16, 1904 in Munich.

Q. What educational and professional training have you had?

A. I attended grade and high schools, and beginning 1924 I began studying law at the University of Munich.

Q. When did you join the Nazi Party?

A. July 1, 1930.

Q. Wh did you join it?

A. It was my conviction that after the failure of parliamentarism in Germany, and in the enmity of people in the 27 parties of the Reich, that aft that situation had been created that only one strong party with one strong leader would be able to prevent the utter collapse of Germany.

Q. Since when have you been active in the Center of Administration in the Nazi Party?

A. Since January 1, 1938. I may add that from 1938 to 1940 I had been loaned by the Bavarian State Administration since I had been counsel for the government of the Bavarian State within the police administration at Munich. I was loaned from 1938 to this dat to the Treasury of the Nazi Party. Only after 1940 was I transferred from the State service to the service of the Party.

Q. What functions did you perform within the administration of the Part and what ranks have you been holding?

A. I was in charge of all principal personnel matters as far as they ha any bearing on fiscal or financial affairs. Particularly, in regard to pensi

H1006 - 0046

and salary system of the Party.

Q. Is it true that on the basis of the positions you were holding you learned of all orders and directives issued by the Fuehrer, his deputy and later on by the Chancery of the Fuehrer?

A. Yes, sir.

STATEMENT BY MR. GURBE:

I asked the witness to prepare a few charts on the office of the Treasury, the so-called Center of Administration of the Party. The witness was called unexpectedly here, and I would like to ask him whether he was able to finish those charts.

A. Unfortunately I was unable to complete them before coming here.

Q. Then describe to us the structure of the Central Administration Office of the Party. For this purpose I may use the organizations book of the Party and ask that it be submitted as PS-1893.

A. I may say that the charts contained in the Reich Organizations book particularly in regard to the office of

H1006 - 0047

the Treasury, are not in accordance with facts.

Q Which were the main offices within the Reichsleiter, which is the highest level of the office of the Reich Treasury?

A To make things a little plainer I would like to make a few principal remarks in regard to the structure of the Nazi Party. The organization called Party Administration was an organization of its own, an organization within the organization of the Party, and its competence included not only the party but also its associate and affiliated organizations. As a consequence of that fact the Treasury of the Party was the chief, not only of the Treasury of the Gau on the level of the Party, but he was also the chief of the administration offices of the affiliated so-called militant organizations, and by expression "militant" organizations we meant the SA, the general SS, the NSKK, and the HJ. Also he was the chief of the financial administrative offices of the so-called non-militant organizations which were the NS Women Leadership, the NS Dozentenbund (student organization). Furthermore, the Treasurer of the NSDAP was in charge of the financial administration of a number of the associated organizations and, in some cases, particularly within the last years, he had financial control over them. That was the case, for instance, in the case of the NSV, a national socialist welfare organization.

H1006 - 0048

essential that the people were professionally trained and qualified to hold their positions.

Q Will you please answer as quickly as possible so that we can keep our time limits. Did it ever happen that people who were not members of the Party were called to fill offices within the Treasury?

A I recall that at least in several positions people were serving who were not party members.

Q Were women called to serve for the Treasury?

A In a few single cases, yes.

Q What was the functional task of the people who served in the Treasury?

A They were purely and merely administrative in their nature.

Q Give us a few examples.

A I may refer very briefly to the organizational structure of the Treasury within the Reichsleitung, that is, the main office of the Party. There was for instance the office concerned with financial affairs where we employed only people with experience in the banking profession and bookkeepers because that office was concerned only with physical affairs. The second office within our Treasury was the surgeon's office, which was held by a trained physician. Office number three was the personnel office, to which I myself was attached. It was mainly concerned with questions of salaries and pensions. It also concluded the contracts of the main employees of the Central Office and in some cases also of subordinate offices. Office number four was the administrative office, and within that office the main office was the economic office, or the so-called office charged with the carrying out of the Four Year Plan within the Party and the supreme office of buildings and structures. Office number five was the legal office of the Treasurer. Incorporated in that office was the membership office with a central membership file and the office of admissions. Office number six was the controller's office in charge of financial inspection, etc., and that was the most essential office of all within the Party Treasury.

I still should mention the office in charge of insurances, and the one in charge of welfare and equipment, and a few other offices which were still attached to the Treasury.

Q And who was in charge of hiring employees in the Treasury?

A Exclusively the Reich Treasurer himself.

H1006 - 0049

Q By being called to work there the people became so-called "office holder" Is that correct?

A It would be better to say they were fully employed professional employees of the Treasury because the term "Amtstraeger" was not used officially before 1944, a date when the Treasurer issued a new regulation concerning the relations of his employees to his office. Since 1944 we did distinguish between so-called "office holders" and mere

H1006 - 0050

employees, but that distinction was purely an administrative measure.

Q. Were there also honorary unpaid workers within the Treasury offices o on the level of the Reich?

A. All treasurers of the local groups were paid workers. A few of the Kreis treasurers were unpaid honorary workers while the natuer of the work on Gau and Reich level made it necessary to employ there only fully employed professional paid workers.

Q. How large a percentage of the people employed by the Treasury on different levels -- how large a percentage approximately were serving in an honorary unpaid capacity?

A. That is very difficult to estimate.

Q. Was there any misrelationship between the salaries paid to the professional workers in the Treasury compared with workers employed by State offices?

A. Yes, until 1941/42 such a misrelationship did exist; that means that the office holders of the Party were underpaid in comparison with State Offices. Only after 1941/42 did remarkable improvement take place.

THE COMMISSIONER:

You are getting into details, and I would like to know if it is really useful from this witness - such explanations.

MY GURBE:

I consider these matters important, particularly those referring to salaries and so on, because the prosecution has charged that the political leaders, and apparently those people are included by the prosecution into the category of political leaders, the prosecution charges that they enjoyed certain privileges and advantages. There is only one question left on that subject.

Q. Did the people who were employed within the office staff of the Reich Treasury -- di d they enjoy any other special privileges?

A. No.

Q. Is it true that some of the people working in the administrative

H1006-0051

offices of the Treasury, that they were given the rank of political leaders?

A. Yes.

Q. Did the fact that they were given the rank of a political leader -- did that change their function and tasks as political leaders? Did the man who had been given the rank of political leader fulfill a function different from that of his colleagues who worked merely on the basis of a contract without rank?

A. No, not at all.

Q. Why were some of the people filling functions in the administrative part of the Treasury -- why were they given ranks of political leaders?

A. Because it was the point of view of the leadership of the organization of the NSDAP that all employees holding office should become a political leader sooner or later. And I would like to add that thei political activity was not the basis for such rank. And it was equally unnecessary that these individuals were holding high and leading positions.

BY MR. GURBE:

And now in conjunction with this last reply we will come to a complex of questions which the witness discussed in the affidavit before mentioned. I therefore refrained for the time being from asking questions on this subject, but reserved my right to ask them later if the affidavit would not be accepted as such.

Q. Is it true that from the very beginning, since the inception of the Party, a sharp distinction was drawn between the political leadership of the Party on the one hand, and the administrative body as represented by the Treasury of the Party?

A. Yes, sir.

Q. Do you know that such a distinction was brought about by the constitution of the Nationalist Socialist Workers Association registered as of 1926?

A. Yes, sir.

Q. Do you know that the head of the political leadership within the Party was the deputy of the leader, and

H1006-0052

later the chief of the Party Chancery, Bormann?

A. No, that is not at all correct because the position of Bormann was not exactly the same as the one the former deputy of the Fuehrer Mr. Hess had been holding.

While Hess actually was the head of all political leaders, Bormann was merely the expert advisor of the Fuehrer; and as such issued certain orders and directives but he was not the chief of the political leaders to whom they were subordinate as they had been subordinate to Hess.

Q. When Hess was deputy of the Fuehrer was he the chief of the so-called Reichleiter?

A. Yes, with the one exception: that for certain fields the Fuehrer himself had reserved for himself the subordination of certain Reichleiters.

Q. Was the Treasurer of the Party, Schwartz, subordinate to the deputy of the Fuehrer?

A. No, he was the only Reich leiter not subordinate to the deputy of the Fuehrer.

Q. Was Schwartz subordinate to Mr. Bormann as successor of Hess?

A. No, not at all.

Q. What result did that state of affairs have -- what was the relationship of Schwartz to Hess, respectively, to Bormann?

A. It resulted in the fact that the political leadership had no political influence whatsoever on the administration of the Party, and on the other hand the administration had no influence over the political leadership.

Q. On June 2, 1933 the deputy of the Fuehrer issued an order which will be submitted by us as part of our documents book.

A. I know the order.

Q. This order says, literally: "The authorities given by the Fuehrer to me, the deputy of the Fuehrer, for the leadership of the Party, do not touch the authorities formerely bestowed on Reichsschatzmeister Schwartz." Was this order ever cancelled?

A. No, sir.

Q. What was the significance of the law to guarantee the unity of party

H1006-0053

and state issued December 1, 1933. That law has been submitted as 1395-PS.

A. This law stipulated in a legal way that distinction between party leadership and party administration which I just have described.

Q. Was that strict separation of political leadership and administrati of the Party, I just described -- was it maintained until the end of the war

A. Yes, sir.

Q. Did that separation of party leadership and party administration hav its effects on the personnel and personnel policy of the Party?

A. Yes, in the field of personnel policy that separation was particularly obvious - demonstrated by the fact that there were separate personnel offices for political leaders and the administration of the Party. There existed in the field of fiscal administrative policies a special personnel office which was under the Reich Treasury.

Q. You stated before that the people working in the Treasury were call to office by the Reich Treasurer. Who hired the people working in the offic of the political leadership?

A. Those employees of the political leadership were hired by the so-called Hoheitstraeger on the different levels, and on the highest levels by the Reichleiters of the Party leadership, but that was true only for the political leadership.

Q. Did the political leadership have any influence on the personnel policy of the Reich Treasurer and his offices?

A. I stated already before that the political leadership had no influence on personnel policies, or any other policies of the Reich Treasure But, of course, the Reich Treasurer had to coordinate his policy to that of political leadership.

Q. Did it ever happen that the Reich Treasurer hired people against th objection of the political leadership organizations?

A. I remember instances in which the Reich Treasurer appointed some-body as Gau Treasurer, -- it happened in the Gau Eastern Prussian -- a person who was not one which the Gauleiter had proposed.

H1006-0054

Q. Did the Reich Treasurer ever remove people from office against the objections of the political leadership?

A. I don't know of such instances, and I believe it would have been impossible because the dependence of the Reich Treasurer made it possible for the leadership to object to personnel policies in existence. However, I do recall an instance which actually occurred within my own office, that the Reich Treasurer employed a man who had been called unfit for holding office by the Supreme Court of the Party.

Q. Who was a professional in respect to the chief of the people employed by the political leadership.

A. They were subordinate to the head of their professional Reich office on the Reich level, and on the Gau level they were subordinate both to their Gau offices and to their Reich offices. They were actually subordinate to two offices,

and their subordination to the Reich offices was a more or less theoretical one.

Q. And who was professionally the chief of all those employed within the Reich treasury, the administrative body of the Party?

H1006-0055

A Exclusively to the Reichsschatzmeister, Reich Treasury, his Gau subordinates.

Q And the individuals who had been given the rank of political leaders and who were employed by the Treasury, were they still subordinate to the Reich Treasurer?

A Yes, of course.

Q The different laws and ordinances which I quoted already stipulate that only the Reich Treasurer and his officials are competent to handle fiscal affairs.

Did the political leadership have the right to interfere to issue orders and similar measures in that field?

A No, that was always issued.

Q You mentioned that people working for the Reich Treasurer filled merely administrative functions. Did they have the right to work politically, to issue political orders on those issues?

A No, the Reich Treasurer had issued an expressive order to them forbidding such political activity.

Q Did that order prohibit political activity covering even those individuals who had been given the rank of political leader?

A Yes, sir.

Q Then I ask you, why have those people been appointed to be political leaders at all?

A I stressed already before that it was the position of the Party that sooner or later all people holding office within the Party should become political leaders.

Q I am referring again to the law of the Party which has been introduced before as Document 1395 PS, which distinguishes between political leadership and administration of the Party, clearly. It says on page 24 of the 7th edition :"All political leaders regardless where they are active, whether the political leadership, the administration, the Party courts, or the affiliated or associated organizations and plans, all of them wear a uniform service."

Is it true that it had been contemplated to give a special uniform to

H1006-0056

political leaders in the administration so as to characterize them as not being in charge of political tasks?

A I know that leading members of the head office of the Party organization contemplated in 1938 to give a special rank insignia to individuals holding political leadership offices and be employed in the part administration so as to characterize them as not being in charge of any political tasks. I also was told that at that time the Treasurer of the Party Mr. Schwartz opposed such a plan very much, as to prevent the discrimination of the political leaders working for him.

Q Do you know that another reason why he opposed this special uniform was that if his political leaders would wear them they would not be able to hold their standing against the other political leaders any longer?

A Yes, I believe that that thought played a decisive role.

Q The distinction between political and administrative offices of the Party didn't find other external expressions - for instance, in the Party buildings and structures in Munich?

A Yes, the fact that there existed a fuehrerbau - the one structure of the political leadership, and the other administration leadership in Munich, should be a proof.

Q How were the personnel relationship between the Reich Treasury Schwartz and the political leadership of the Party?

A That varied very much. It may be said in regard to the Gauleiter that he retained friendly relations with many of them. On the other hand he had a very low opinion of another large sector of the Gauleiter. There existed even a few Gauleiters whom he would not even see at all within the last few years. And I knowthat in regard to a number of other Reichsleiters the Reich Treasurer had a point of view which was hostile.

Q I now come to another question, and that is, the question whether the administrative officials of the Nazi Party had a share in the conspiracy of the crimes committed by the conspirators? Did the administrative officials of the Nazi Party know that points 1, 2 and 3 of the Party progra the one to unite allGermans on the same basis of right of all peoples, the abrogation of the peace treaty of Versailles, and the demand for colonies.

H1006-0057

Did the administrative officials of the Party know they were part of the conspiracy to domineer the world?

A Those points of the Party program could under no circumstances, particularly not on the basis of the official pronouncement of the Fuehrer, could they be interpreted that way.

Q And how did the people in the Administration of the Party think that those points would be translated into reality?

A Of course, the Party administration did never have the opportunity to take officially any position on these matters. All I could tell you is my personal opinion and that of a number of leading officials in the Party administration. Myself and my colleagues in the Administration of the Party were convinced that these aims could and should be realized only in a legal and peaceful manner by negotiations.

Q Was the administration of the Party prepared for the war?

A On thebasis of my own experience, I know that was not the case.

Q When did the Party administration make its first war preparations?

A Only the second half of August 1939 when on the basis of news and radio reports it seemed most likely that war would break out, only then the Reich issued orders to make essential preparations in the case that war would be declared. This was the case, for instance, in my personal field of activity where I was compelled, without any preparation and very hastily to draft a salary and pensions regulations for the case of war.

Q Did the Party administration have any share in the financing of the Concentration Camps?

A Not at all because the Concentration Camps were not a concern of the Party.

Q Had the Party administration anything to do with the events of November 1938?

A I can honestly assure you that that was not the case, and I may add that both the Reich Treasurer and his experts and advisers bitterly opposed the happenings of 1938.

Q Do you know of any instance that any conferences of lower Party officials on the Block or Zelle or / Zellenleiter level that plans for crimes against the peace, against rules of war, or against humanity, were discussed?

H1006-0058

A No, sir.

Q Is it true that Hitler and Bormann repeatedly issued orders prohibiting the discussion of political and war plans

H1006-0059

by lower officials of the Party?

A I remember to have read such directives.

Q Is it true that Bormann repeatedly stated that after the Fuehrer he alone was the one to issue political orders and to determine the political line?

A I don't recall it right now, such a statement. But of course a political line was determined only by the Fuehrer or Bormann, his expert adviser.

Q Is it true that not even among the highest Party and State officials was there any unity in regard to the aims and measures of the Party?

A Yes, I could understand that quite easily on the basis of the attitude which the Reich Treasury took in regard to other Reichsleiters.

Q Is it true that in regard to one single matter there were issued most conflicting decisions and directives by a variety of parties and offices?

A Yes, that is so.

Q Is it true that directives were issued prohibiting the discussions of such controversies among the high party officers?

A I do remember such directives.

COLONEL ORLOV: I do not understand the meaning and purpose of all of these questions. They are entirely useless.

DR. GURBER: May I state in that respect that the indictment charges that all political leaders from the lowest blockleiters up to the Fuehrer were engaged in one conspiracy with the purpose of plans for aggressive war, and I shall attempt to prove that such conspiracy did not exist and was not discussed and even among the highest circles of leadership, and, therefore, there could not have existed any plan of conspiracy. I, therefore, believe that the questions I asked the witness had relevance and importance as to evidence.

M. HAVARD: Such questions as you have put are in my opinion relevant. Do not go into detail as to things which make no sense and have no bearing on what you want to prove precisely. I will ask you in the following questions to limit yourself to your aim as to what you want to prove

H1006-0060

precisely. I will ask you in the following questions to limit yourself to your aim as to what you want to prove to the Commission and the Tribunal. Therefore, I ask you to confine yourself solely to the questions which can prove what you want to demonstrate.

BY DR. GURBER:

Q I wish to ask two questions in regard to the conspiracy, in regard to the conspiracy whether the Party Chancellery knew of the plans?

A Which plans if I may ask?

Q The plans of conspiracy. The party officers and those immediately superior to you, did they inform you of the points changed by the party:

(A) Plans of the supreme party leadership for the preparation of war and crimes against the customs of war and humanity;

(B) Crimes which were a consequence of the execution of such plans.

A Not at all.

Q It is true that many rumors appeared regarding the treatment of people in the concentration camps and that according to the directive to Rosenberg people should be contacted by the party in such a detailed manner as to convince anybody that these rumors were untrue?

A Frankly speaking I cannot recall such a directive but I can say that we did not hear of any such rumors.

Q I now come to the next point. Did the political leaders in the party administration know of the evidence of the Einsatz Rosenberg?

A Yes, a small part of them did, since we had official connection, not duties, with the Einsatz Rosenberg.

Q What do you know about the duties of the Einsatz Rosenberg?

A In the first place I know of a special assignment from the Fuehrer to Rosenberg. Rosenberg was to take care of the works of art and secure art treasures in occupied territory.

Q What was the understanding within the party administration of the term "care for and secure"?

A All I knew so far was that art treasures and cultural possessions were to be confiscated in order that they might be used in the event of a fortunate conclusion of the war, they might be an object of the peace treaty.

H1006-0061

Q Were you aware that a part of the secured art treasures were put at the disposal of leading personalities?

A I did not know of it.

Q Was the Einsatz Rosenberg a party formation?

A No, it was not. The Einsatz Rosenberg had nothing to do generally with the police leiters as such. As stated by me before it was a question of a special assignment from the Fuehrer to Rosenberg personally. In order to fulfill his part Rosenberg used the police leaders within his area as authorities, but by the party the Einsatz Rosenberg was drafted only for the duration of the war. To a great extent they were domestic and foreign scientists.

Q Did the uniform of the Einsatz Rosenberg show that this organization was not an organization of the police leaders of the party?

A Members of the Einsatz Rosenberg did not wear the uniforms of the police leaders but their own uniforms. This I noted when Utikah visited my office.

Q You just stated that Einsatz Rosenberg did not act on a party order but on a special order to Rosenberg. Further, you stated that the Einsatz Rosenberg had not been a party formation. However, it is known that the Reichsschatz Meister paid the salaries and expenses of the Einsatz Rosenberg. How do you explain this contradiction?

A May I say that it is quite correct that the Reichsschatz Meister did pay the salaries and expenses of the Einsatzgruppe Rosenberg, but the payment was considered advanced but the representatives of the Amt I of the Reichsschatz Meister could give information about that. The mere fact of the payments being made by the Reichsschatz Meister do not permit the conclusion that they are duties ordered by the party because in several other cases they have indicated by political reasons as final certain tasks which obviously were not party methods. For example, I wish to cite the construction of the ---------- [illegible] the Reichsschatz Meister too has taken care of salaries for a part of the assignment. For instance in the case of Volkssturm and that of the Hitler Youth, it was partly the central personnel office, of which I was a member, which was very much interested in such

H1006-0062

finances, because it guaranteed a unified procedure in regard to the people who were committing themselves. This was partly true in the case of assignments in the occupied territories, since the different methods of procedure of the Reich industry and of the party also were quite different from each other.

Q Am I right in summarizing this statement as follows: It is true that the Reichsschatz Meister and consequently the party has financed the Einsatz Rosenberg in regard to personal health and salary and expenses. However, thisis no proof that Einsatz Rosenberg over functioned as a party organization or it even fulfilled a party assignment. The financing by the Reichsschatz Meister was merely a financial technical procedure which took place because it enabled them to take care of finances faster, and I am accurately stating that as a correct summary of your statement?

A That is what I want to express. I want to add that there may be other reasons also for the final action. I may not know all of these things but it is possible that Amt I of the Reichsschatz Meister is familiar with it.

DR. GURBER: No further questions.

H1006-0063

CROSS EXAMINATION

BY COLONEL JONES:

Q You knew of the Nazi policy, did you not, to persecute the Jews?

A I should like to say here that it might not be correct to say I was familiar with the race problem in general.

Q And the action taken to find the solution or whatever you want to call it of the race problem, anyway of the action taken against the Jews?

A May I ask what specific action you mean?

Q You knew of the boycott of 1933. I just want to ask you if you knew of it and that is allI want to say?

A Yes, it is true.

Q Did you consider that persecution? Answer "yes" or "no."

A Yes. I wish to call your attention to the fact that I am merely voicing my personal conception of this matter, because my duties did not bring me into it.

Q Did most of the people think it was a form of persecution against the Jews?

A In any case the prevailing opinion was and I myself have agreed to this opinion, that the political and economic influence of the Jews, and before 1933, was in a very bad ratio in actual relation of the Jews in the German nation.

Q I am not interested in your views on the Jewish problem. I am asking you whether you thought that the boycott of 1933 was a form of persecution?

A I have no personal views on the point because in 1933 I lived in a village of 2,000 people where there wasn't a single Jew.

Q Let me ask you this question: Did you approve of the principle of that action of 1933.

DR. GURBER: May I add something here. The witness' affidavit has proven that the party administration had nothing to do with politics. If the witness is heard on this point he can explain only merely his personal opinion. He cannot be held responsible for the opinion within the party. I do not believe this question is proper the way it is framed, since in other cases questions by the defense regarding such methods were cut off with the

H1006-0064

remark: "This is merely a personal opinion", not typical for the group or by the group concerned.

BY COLONEL JONES:

Q If you will answer the questions I will pass from that. Do you know of the demonstrations of 1938?

A Yes, of course, but I was in Munich.

Q Do you think that was a persecution?

A That thought was rejected by a majority of the party.

Q Do you know of the aryanization of the Jewish businesses?

A Yes, I know of this.

Q Was that also rejected by the majority of the people as being a form of persecution?

A I cannot say what the general ideas were on the subject. As far as the party administration is concerned I can say that the Reichsschatz Meister has rejected it essentially.

Q I think that is sufficient on that. Do you know of the system of foreign laborers working in the Reich?

A As far as we personally came in touch with them, of course, we knew of foreign laborers.

Q You knew of the system of the concentration camps?

A Of course, I knew that there were concentration camps.

Q I am not asking you that --

A I want to outline the fact that camps like Auschwitz --

Q Please understand, I know you are like most of the other witnesses who have heard who are completely interested in clearing themselves of any knowledge of war crimes. We are not in the least interested in the crimes you yourself may or may not have committed. I would, therefore, ask you to answer my questions properly and particularly the questions I put to you, and now you may answer the question: Now those matters I havementioned to you, and I refer particularly to these: the persecution of the Jews; the employme of slave and foreign labor and the system of concentration camps, they were set up by the Nazi government, were they not?

A The concentration camps have not been introduced by the party. I would like to say this: If the party would have had anything to do with the

H1006-0065

concentration camps, one would have noticed the effects on the party administration somehow.

Q I asked you whether all of those matters were carried out and maintained by the Nazi Government? Will you please answer my question?

A I have answered before that I can talk only as a private person because the party administration by way of duty had nothing to do with all of this.

Q Now I will ask you to answer my question, having made that little speech? Was the persecution of the Jews and the system of the concentration camps and the system of foreign labor conducted and maintained by the Nazi Government? It is an easy enough question to answer.

A I cannot give a positive answer to that, because from the directives that were issued by the party --

Q I take it that you are refusing to answer my question "yes" or "no."

A No, I did not refuse that at all.

Q Will you please do so?

A To what question?

Q I have asked you the question three times. Were the Nazi Government responsible for the persecution of the Jews; the system of concentration camps and foreign labor employment in the Reich, three matters only.

(DR. GURBER RISES TO MAKE AN OBJECTION)

I anticipated this objection and I object to it. With great respect cross examination is impossible if the defense counsel every time their witness finds himself apparently in a difficult situation, gets up to relieve the situation. With respect many questions are perfectly proper and I want to be allowed to continue my cross examination without perpetual interruptions. Defense counsel has dealt at very great length in everything he wished to deal with and without a single objection on my part, although a great deal of the matter with which he dealt was irrelevant, and I object to this continual interruption.

DR. GURBER: May I say something here?

M. HAVARD: I think that thequestions were perfectly relevant and I

H1006-0066

ask you to limit your objections when it is necessary, as we have made several concessions and counsel must not help the witness to answer.

DR. GURBER: Mr.Commissioner, that is not my intention and why I am objecting, and the reason for my objection certainly is not that I feel that the witness may give testimony which I do not care for, but I find it necessary to object for the following reasons:

It is true that I have touched upon these points before, but if you will compare the record you will find that every one of the questions pertaining to the persecution of the Jews and concentration camps, etc., referred to the extent of the activities and its relation to the party. The questions now put by the Prosecutor refer purely to the personal opinion of the witness, and not the reaction of the party administration. That is why I regret I will have to keep up my objection.

M. HAVARD: The witness can have a personal opinion, and he can also state if he knew what happened within the party. The question is, therefore, relevant.

DR. GURBER: The witness has expressed the thought that he did not know whether the party had an opinion on the persecution of the Jews, and how the party administration knew of the events in the concentration camps, and I have

H1006-0067

repeatedly found in this procedure before the Commission that personal opinions never are relevant as to the organization.

BY COLONEL JONES:

Q Now willyou answer my question. I will repeat it to you again for the last time.

A Of course, I am of the opinion that the government is responsible for such methods.

Q Now the Nazi government never couldhave existed without the corps of political leaders?

A I cannot say either "yes" or "no" to that.

Q The administration and Government of the country could not have existed, could it, without the gauleiter organizations and the kreisleiter organizations and all such organizations?

A It might have been possible in theory.

Q I am not talking about theory, I am talking about practice. In practice, the government of the country, the administration of the country, the administration of the country under the Nazi government depended upon the work of their gauleiters, kreisleiters and ortsgruppenleiters, and so on?

A May I ask when you say "government", do you mean the Party or the State?

A No, I mean the Nazi government of the State. The Nazi government in Germany depended upon or the administration and organization of the state, the Nazi government of Germany depended upon the organizations of the gaus, kreis and orts?

A I cannot say how far this goeson the basis of my activities in the party.

Q Without financial advisers the gaus administration could never have been carried out?

A The activity of the gauleiters would have been impossible if the party would not have financed the activities.

Q The whole system of Nazi government would have been impossible without the financial advisers to carry on the financial business of the organization?

H1006-0068

A The state government would have been possible also without party administration.

Q And you as a financial adviser to the gauleiters were performing an essential part in that organization?

A As far as the personnel sector is concerned.

Q You were performing a vital part, were you not, in the system that maintained concentration camps, slave labor and which for years persecuted the Jews, you and the other financial leaders?

A We of the finance could hardly have been made responsible for something of which we knew nothin .

Q But you knew those things were going on, you knew that the Jews were being persecuted?

A I want to say definitely and decisively I knew nothing of all of this.

Q But you told me you knew the Jews were being persecuted?

A I knew it. It wasobvious. Any one knew that anti-Jewish rabbles were taking place.

Q And you knew that slave labor was being employed in the millions and so did every other financial adviser and every other gau in Germany?

A Of course, we knew that foreign laborers were employed in Germany, but I say that the party administration had nothing to do with it.

Q But the Nazi government relied upon the party, did it not, and without the party the Nazi government w ould never have come into power and stayed in power?

A I personally do not know. I can only assume in how far the party supported the Nazi government. Of cou se, I knew that the party had its influence upon the state. I know of that through my connection with the party chancellory.

Q Don't you consider now that the financial leaders in the gaus and Kreis in Germany were playing an essential part in support of that system?

A I must say no, because the orders of the Reichschatz Meister have become competent authorities for th administration and had nothing to do with these gaus, but I know on the basis of my relations what the Party organization aims were. Department No. 3 had the so-called state character,

H1006-0069

and it was known that this department had its' influence on the state government. This activity, however, had no influence on the party administration itself, because there was no question of financial tasks for party members.

Q Have you finished?

A Yes.

Q In the aryanization of Jewish property were the gau or financial advisors taking no part in the organization?

A No.

Q What department was it then that carried out the financial transactions?

A As far as I know from Munich there were very special people here assigned to that. For example, I know about Munich that this task was that Dr. Wagner had assigned that task to a man by the name of Tzicvas.

Q But are you telling us that the aryanization of Jewish property in each gau in Germany was being carried out without any assistance or advice of the gau or financial adviser?

A I can say in answer I do know that the Reichsschatz Meister did not carry this out.

Q Who was the person who put through the financial transactions?

A As I said before I can only discuss the gau in Munich which I know personally, and as I stated before

H1006-0070

Mr. Wagner opened a special office. He was competent in these matters, for example, this man Yzicvas whom I just mentioned was not a party employee but he was employed by the State.

Q. Was a complete special office set up in each gau to carry out this arrangement ?

A. I do not know. All I know is that in some gaus there was a so-called Still Hlte Kommisar, a commissar for keeping the status quo. I do not know how far they have to do with the Reichsschatz Meister and aside from that I do know about such offices.

Q. Now I have letter here which is wirtten by a certain department, and I will get the Interpreter to read it so that you will understand it.

(The letter is read to the witness in German and not translated)

Now, is that one of the so- led political leaders or his office ?

A. It belonged to the Einsatzgruppe SA and it was not a party formation.

Q. That was not a department in the gau ?

A. I don't know what this s all about, and all I can say is that the Reichfoodestate was an independent operation by public law, and the Reichsbauernschaft were subordinate to it, and the Reichsschatz Meister was a department of the gauleiter or department which had a representative on the gauleiter. I wish to state here we had nothing to do with this whole thing because the Reichsschatz Meister and those attached offices were not a division of the party and we did not have anything to do with these offices, and I wish to state here the staffs of the gau and the kreis had attached to them sometimes members of the gau political party, and for this reason you will find that the organization book shows it on a level with the gau, and the gau is a political or state rule of the population as it was called.

DR. GURBER: May I say something which will shorten matters? I am on the basis of my own profession acquainted with the situation in the Einsatz State offices.

COLONEL JONES: I am going to be rather short in the matter and if I can be allowed to continue without interruption I am sure we will get through very much quicker. I am very much surprised at you.

DR. GURBER: Has that document been introduced ?

H1006-0071

COLONEL JONES: Please let me go on. I will not introduce the docume if it is not proper to do so. My only point in asking the witness this ques tion was to find out whether or not he was connected with this department in any way. If you will just let me do so I think we will get along all ri

BY COLONEL JONES:

Q. Now as I have indicated I have a letter which comes from the financi group or the Reichsschatz Meister and it is addressed to all Kreis.

A. This is a proof to me it was not from the party office and consequent we did not have any knowledge of it.

Q. And did the Kreis financial advisor have no knowledge of the letter addressed to all Kreis ?

A. No, it could not have, because the party administration did not have anything to do with non party offices.

I think I have no further questions.

REDIRECT EXAMINATION

BY DR. GURBER:

Q. I only have a few questions. The Prosecutor has asked the witness in how far he has participated and what he knew of the Jewish persecution is it correct that you participated at the comrade affair in Munich on November 9th, 1938 ?

A. Yes, and may I say here, on the night of November 8th 1938, I visite in company with my wife the comradeship affair in which participated Hoess and Commissar Gerling ?

Q. Witness, you have been asked a question to which you have answered. I don't think I desire any further details. Did you have the impression that Reichsschatz Meister Schwartz and his staff approved of the events of November 9th ?

A. I had the impression that the Reichsschatz Meister, as well as his principal assistants within the department, rejected such action.

Q. The prosecutor maintained before that the Einsatz financial officers were selected or did put into effect the aryanization policies, and you h stated before that these offices had nothing to do with the Aryanization. I just want to ask you the following questions which already is in evidenc the affidavit in regard to one question. It might be possible that you m

H1006-0072

of more such cases on the basis of your position and that a certain Dr. Gerling in an affidavit stated on the 4th of April, which affidavit we have submitted states :

"The Einsazt Meister has transferred funds to emigrate Jews whose real estate within the Reich had been Aryanized by way of neutral lands. In order to follow and carry out the letter of the aryanization law, Gerling mentions a Jewish business man from Seeligmann, Unterkochen from Hanover. This Einsatz Meister sent that man the difference of 2,000 marks, which was the difference between the aryanization amount and the legal amount coming to him. The Einsatz Meister, as well as Dr. Gerling who was on the staff of the Einsatz Meister, meant to see that the letter of the law was kept and no injustice should be committed."

I want to ask you if you knew of any such case since the matter has been brought up here ?

A. Since I had no official connection with these matters I cannot give you any example, just as the example stated here is unknown to me. I can only say that such conditions as I have just heard corresponds completely with the opinion and the attitude of the Einsatz Master.

Q. The final question : As you stated before that the party administration was composed mostly of full time employees, the Prosecutor has stated that the Nazi government would not have existed without these people. I ask you would it have been possible to have an organization run on an honorary basis ?

A. The tasks were so large that it would have been impossible to have honorary employees take care of them. We needed full time employes.

DR. GURBER: No further questions.

(The Commission adjourned until 1000 hours 2 July 1946.)

The foregoing is a true and correct transcript of the testimony of RICHARD MUELLER taken on 1 July 1946

Genevine Biolsi
reporter

Rose W. Cook
reporter

CERTIFIED TO:

& Mr. McIlwraith
commissioner